

February 17, 2009

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0800224**

MOIRA WALTERS
Code Enforcement Appeal

Location: 25426 Southeast 356th Street

Appellant: **Moira Walters**
2002 Riverview Drive Northeast
Auburn, Washington 98002
Telephone: (253) 335-0840

King County: Department of Development and Environmental Services (DDes)
represented by **Holly Sawin**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-6772
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation: Deny the appeal; allow 30 days to initiate application
Department's Final Recommendation: Deny the appeal; allow some additional time
Examiner's Decision: Deny the appeal; allow 120 days to initiate application, subject to condition

ISSUES AND TOPICS ADDRESSED:

Remodel and construction of addition to residence without required permits.

SUMMARY OF DECISION:

The property owner's appeal is denied, and additional time is granted to initiate application process or demolish unpermitted construction.

EXAMINER PROCEEDINGS:

Hearing opened:
Hearing closed:

February 5, 2009
February 5, 2009

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On December 1, 2008, the King County Department of Development and Environmental Services (DDES) issued a notice of King County Code violation, civil penalty order, abatement order, notice of lien, duty to notify ("Notice and Order") to Arthur and Moira Walters. The property subject to the Notice and Order is located at 25426 SE 359th Street (Auburn) in unincorporated King County. Arthur and Moira Walters are the owners of the subject property. The Notice and Order alleged violation of the King County Code for the remodel of a residence and construction of an addition to a residence without the required permits, inspections and approvals.
2. A timely appeal of the Notice and Order was filed by Moira C. Walters on December 15, 2008. The Statement of Appeal asserts that the Appellant needs additional time to apply for and obtain King County Department of Public Health (Public Health) approval, which is necessary to obtain the required building permits.
3. The property subject to the Notice and Order is not currently occupied. Appellants are attempting to sell the property, are unable to obtain financing and have very limited resources available to obtain the required permits. The DDES Code Enforcement Officer has agreed to allow some additional time for completion of the permitting process, or demolition of the improvements if the permitting process is not pursued.
4. One-hundred-and-twenty days is a reasonable time to allow the Appellants to initiate the permitting process, provided that the unpermitted structure is not occupied. If the Appellants do not pursue the permitting process, 60 days is a reasonable period of time to allow the Appellants to obtain a demolition permit for the unpermitted improvements, and 90 days thereafter is a reasonable period of time to allow for accomplishment of the demolition and removal of demolition debris.

CONCLUSIONS:

1. The violation of the King County Code alleged in the December 1, 2008 Notice and Order has occurred on the subject property. The current property owners are responsible for that violation.
2. One-hundred-and-twenty days is a reasonable period of time to allow the Appellants to initiate the application process to obtain permits, inspections and approvals for the unpermitted construction. Application to King County DDES for a critical areas designation (CAD) should be made within 120 days of the date of this decision; application to Public Health should be made within 90 days of the issuance of the CAD; and application for a building permit should be made within 90 days of Public Health approval of the water and waste disposal systems serving the property. Final inspections and approvals of the unpermitted construction should be

completed prior to the initial expiration period of the building permit. Failure of the property owners to pursue the permit process within the foregoing timeframe, unless extended by DDES, should make the Appellants subject to the civil penalties set forth in the Notice and Order, unless the Appellants apply for and obtain a demolition permit for the unpermitted improvements within 60 days of the failure to pursue the permit process, and complete the demolition of the unpermitted improvements and removal of demolition debris within 90 days from the issuance of the demolition permit.

DECISION:

The appeal of Moira Walters of the December 1, 2008 Notice and Order is denied, provided, however, that the property owners are granted additional time to initiate and complete the permitting process as follows:

Application shall be made by the Appellants to King County DDES for a CAD within 120 days of the date of this decision;

Application shall be made to King County Public Health for approval of water supply and waste disposal systems serving the property within 60 days of the issuance of the CAD;

Application shall be made to King County DDES for required building permits for the unpermitted construction within 60 days of Public Health approval of water supply and waste disposal systems; and

Required inspections and approvals for the unpermitted construction shall be obtained prior to the initial expiration of the building permit.

There shall be no occupancy of the residence that is subject to this Notice and Order prior to completion of the permit process and issuance by DDES of a certificate of occupancy.

In the event the foregoing time periods are not met, unless extended by King County DDES, the property owners shall apply for and obtain a demolition permit for the unpermitted construction within 60 days of the failure to pursue the permit process in accordance with the schedule set forth above, and shall complete the demolition and removal from the property of all demolition debris within 90 days of the issuance of the demolition permit.

In the event the property owners fail to complete the permit process, or complete the demolition of the unpermitted construction within the time periods set forth above, the property owners shall be subject to the civil penalties set forth in the December 1, 2008 Notice and Order, commencing on the date immediately following the failure by the property owners to meet any of the foregoing deadlines. In the event the property is occupied prior to final building permit approval and issuance of a certificate of occupancy, the said civil penalty shall commence on the first day of such occupancy.

ORDERED this 17th day of February, 2009.

James N. O'Connor
King County Hearing Examiner *pro tem*

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE FEBRUARY 5, 2009, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0800224

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin representing the Department and Moira Walters the Appellant.

The following Exhibits were offered and entered into the record:

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| Exhibit No. 1 | Department of Development and Environmental Services (DDES) staff report to the Hearing Examiner for E0800224 |
| Exhibit No. 2 | Copy of the Notice & Order issued December 1, 2008 |
| Exhibit No. 3 | Copy of the Notice and Statement of Appeal received December 15, 2008 |
| Exhibit No. 4 | Copies of codes cited in the Notice & Order |
| Exhibit No. 5 | Photographs of the subject property taken by Code Enforcement Officer Holly Sawin on May 14, 2008 |

JNOC:vsm
E0800224 RPT